

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Charles Crenshaw,
Petitioner

v. Case No. 1:07-cv-575

Ronald Hart, Warden,
Respondent

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed October 15, 2008 (Doc. 8).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Petitioner's petition for writ of habeas corpus is **DENIED** with prejudice.

A certificate of appealability will not issue with respect to the claims alleged in the petition, because petitioner has failed to make a substantial showing of the denial of a constitutional right based on these claims.

This Court certifies that pursuant to 28 U.S.C. § 1915(a)(3) an appeal of this

Order would not be taken in good faith, and therefore DENIES petitioner leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

Date: November 12, 2008

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Judge